

## REMARKS/ARGUMENTS

Applicant expresses appreciation to the Examiner for the courtesies extended during the recent interview held on July 26, 2004. Reconsideration and allowance of the above-identified application ~~are now~~ respectfully requested. Claims 1-13 and 16-29 are pending, wherein claims 1-2, 10, 16, 20 and 24 have been amended, claims 14-15 have been cancelled without prejudice, and new claims 27-29 have been added.

The Office Action rejects claims 1-8, 10-16 and 18-26 under 35 U.S.C. § 102(b) as being anticipated by United Kingdom Patent GB 2194131A to McHutchison ("*McHutchison*"); claims 1-8, 10-16 and 18-19 as anticipated by U.S. Patent No. 5,634,439 to O'Brien ("*O'Brien*"); claims 1-18 and 20-26 as anticipated by U.S. Patent No. 5,775,967 to Lacoursiere et al. ("*Lacoursiere*"); and claim 19 under 35 U.S.C. § 103(a) as being obvious over *Lacoursiere*. Applicant has amended the claims in a manner that is believed to distinguish over the cited references, either alone or in combination.

Independent claim 1 was amended to recite "a pair of opposing handles" in combination with "means for attaching the pair of opposing handles adjacent to a child's body on opposite sides of a child's center of gravity during use". Support for this limitation is found in the application at page 13, paragraph 52 and in Figures 18A and 18B. This embodiment provides added versatility and balance (e.g., "a child may be alternatively held by a handle adjacent to the child's back or by a handle adjacent to the child's chest, sternum or stomach area without having to remove or reposition restraint device 40 relative to the child's body"; alternatively, the "two handles 42, 48 may be gripped simultaneously so as to, e.g., facilitate safely lifting a child into or out of a bathtub"). None of the cited references teach or suggest a restraint device that provides such versatility.

*McHutchison* relates to a swimming aid designed to be fitted around the waist of a child while teaching the child to swim. As shown in Figure 1 of *McHutchison*, the handles 18 are positioned so as to both be gripped above the child's back (i.e., on the same side of the child's center of gravity) during use. *O'Brien* discloses a bike rider balance belt having a pair of handles 12 that are similarly positioned so as to be gripped on one side near the child's back (i.e., on the same side of the child's center of gravity) during use. *Lacoursiere* discloses a personal flotation device for an infant having a single "pull strap handle 28". Applicant is further unaware of any teaching or suggestion in the art that would have motivated one of ordinary skill in the art to

modify any of the cited references to include a pair of opposing handles “on opposite sides of a child’s center of gravity during use”. In view of the foregoing, Applicant submits that none of the cited references teach or suggest a restraint device having the features recited in claim 1.

Independent claim 10 was alternatively amended to claim a restraint device in which the “corset or harness comprises a plurality of flexible straps that are laterally spaced apart that wrap at least partially around the child’s torso but that expose at least a portion of the child’s body between the flexible straps so as to permit washing of the exposed portion of the child’s body between the flexible straps” in combination with “a handle attached to the corset or harness in a manner so that the handle is positioned adjacent to the spine, sternum, stomach or chest of the child’s body when the restraint device is in use”. Support for these limitations is found in the specification at page 10, paragraph 42 and Figure 3. This embodiment is especially useful for safely restraining a child while giving the child a bath because the laterally spaced-apart straps engage more of the child’s body than a single strap so as to provide better support and more reliable attachment of the restraint device to the child’s body while also permitting water to contact the child’s body as a result of the spacing between the straps.

In contrast to claim 10, *McHutchison* and *O’Brien* each disclose a device having a single main strap that contacts the child’s body. The straps 14 in *O’Brien* are themselves attached to a single, solid belt 10 that does not expose the child’s body between the straps 14. *Lacoursiere* discloses a personal flotation device having a plurality of straps, but not which “wrap at least partially around the child’s torso”. Because of this, the handle in *Lacoursiere* cannot be as securely and reliably attached near the child’s body as in the embodiment of claim 10. Moreover, the handle in *Lacoursiere* is not “positioned adjacent to the spine, sternum, stomach or chest of the child’s body when the restraint device is in use”. Rather, the handle 28 is positioned at the top of head support panel 11. In view of the foregoing, Applicant submits that none of the cited references teach or suggest a restraint device having the features recited in claim 10.

Independent claim 20 was alternatively amended to claim a method comprising:

releasably attaching a handle to the child so that the handle is positioned at or near a central balancing plane of the child’s body between the child’s head and buttocks; and

gripping the handle so as to hold or restrain the child in at least one of a sitting, standing or upright position within a container or basin that holds therein a quantity of water.

(Emphasis shows added limitations.) Support for the limitations added to claim 20 is shown in Figures 3, 4, 18A and 18B.

In contrast to claim 20, *McHutchison* discloses a method for teaching a child to swim in which the child is shown lying face down in the water, a position that is inherently uncomfortable and/or unsafe when giving a young child a bath. *O'Brien* discloses a method for teaching a child how to ride a bike. The handle shown in *Lacoursiere* is positioned above the head of the child rather than "between the child's head and buttocks". Moreover, *Lacoursiere* discloses a method in which a baby lies on his or her back while using the disclosed device. In view of the foregoing, Applicant submits that none of the cited references teach or suggest the method of claim 20.

New independent claim 27 alternatively claims a restraint device that includes:

a releasable handle positioned at or near a central balancing plane of the child's body when the restraint device is in use, the releasable handle comprising:

a pair of straps that may be selectively connected and unconnected and that form a loop when selectively attached; and

attachment means for selectively connecting and unconnecting the pair of cooperating straps.

Support for these limitations is found in the application at page 15, paragraph 55; pages 18-19, paragraphs 68-69; Figures 7B, 15A, 15B, 16A, 16B and 16C. This embodiment provides added versatility (*e.g.*, it permits assembly of the handle before or after placing the restraint device over a child's body; it permits attachment of auxiliary structures, such as a leash, to the restraint device). None of the cited references teach or suggest a "releasable handle" as recited in new claim 27.

New independent claim 28 represents dependent claim 17 rewritten in independent form, but modified to specify that "the handle is positioned . . . between the child's head and buttocks when the restraint device is in use". Support for new claim 28 is shown in Figure 13. Claim 17 was not rejected over either *McHutchison* or *O'Brien*, neither of which teaches or suggests a

restraint device comprising the “head restraint device” of claim 17. Claim 28 is therefore patentable over *McHutchison* and *O’Brien* for at least those reasons why claim 17 was not rejected over these references.

On the other hand, because the “pull strap handle 28” shown in *Lacoursiere* is clearly disposed above the baby’s head in order for the device in *Lacoursiere* to function as intended, *Lacoursiere* neither teaches nor suggests repositioning the “pull strap handle 28” so as to be “between the child’s head and buttocks”. Because a baby using the *Lacoursiere* device lies on his or her back during use (*see* Figure 3), repositioning the “pull strap handle 28” so as to lie beneath the “back support panel 12” would make it much more difficult for a parent to find and grip the “pull strap handle 28” during use, particularly if the infant were to need immediate assistance in case of an emergency. In view of this, Applicant submits that new claim 28 is both novel and unobvious over *Lacoursiere*, either alone or in combination with any other art of record.

New independent claim 29 alternatively claims a restraint device that comprises “at least one of”:

a cushioning material, separate from the corset or harness, disposed on at least a portion of an inner surface of the corset or harness so as to shield and protect soft, sensitive skin of a baby or young child from the corset or harness when in use, the cushioning material comprising at least one member selected from the group comprising fleece, felt, other soft and flexible fabrics, silicone, other polymeric gel materials, polyurethane foam, and other soft and flexible foam materials, or

a friction enhancing material, separate from the corset or harness, disposed on at least a portion of an inner surface of the corset or harness so as to decrease the tendency of the restraint device to move in an unwanted fashion relative to the child’s body when in use.

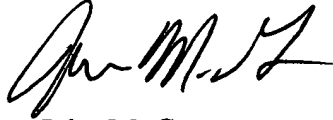
Support for these limitations is found in the application at pages 11-12, paragraph 40. None of the cited references teach or suggest a “cushioning material” having the specific structural relationship to the corset or harness (let alone the specific cushioning materials) as recited in new claim 29 and/or a “friction enhancing material” having the specific structural relationship to the corset or harness, as well as functional properties, as recited in new claim 29.

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment

to the prompt allowance of this application, which could be clarified by a telephonic interview, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 6<sup>th</sup> day of August 2004.

Respectfully submitted,



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